

REMARKS

In the August 25, 2005 Office Action, the drawing and claim 8 were objected to and claims 1-9 stand rejected in view of prior art. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the August 25, 2005 Office Action, Applicants have amended the drawing, amended claims 1 and 8 as indicated above, placed claim 8 in independent form, respectfully traverse the rejection to claim 8, and have included comments to support the traversal. Further, the specification and claims 1, 2, and 7 have been amended to correct form and/or typographical errors discovered upon review. Thus, claims 1-9 are pending, with claims 1 and 8 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

Drawings

On pages 2 and 3 of the Office Action, the drawing was objected to as failing to comply with 37 CFR §1.84(u)(1). In response, Applicants have filed herewith a replacement drawing. Applicants believe that the drawings now comply with 37 CFR §1.84(u)(1). Applicants respectfully request withdrawal of the objection.

Claim Objections

On page 3 of the Office Action, claim 8 was objected to because the term “the axial engine side surface” has no proper antecedent basis. In response, the term “the axial engine side surface” has been amended to -- an axial engine side surface --. Withdrawal of the objection is respectfully requested.

Rejections - 35 U.S.C. § 102

On pages 3 and 4 of the Office Action, claims 1-8 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0175037 (Wack et al.). In response, Applicants have amended independent claim 1 to define clearly the present invention over the prior art of record, placed claim 8 in independent form, respectfully traverse the rejection to claim 8, and have included comments to support the traversal.

Claim 1

Claim 1 has been amended to recite that the support portion of the piston has a flat surface that axially contacts the turbine and a cylindrical portion that extends axially from an inner peripheral edge of piston and is supported by the turbine hub. Further, the flat surface abuts the cylindrical portion. In contrast, as seen in the Figure of Wack et al., Wack et al. disclose a piston 40 whose flat surface abuts the turbine hub disk 23 at an axial stop 44. This surface does not abut the cylindrical portion shown at 31.

Claim 8

Claim 8 recites that the axial end of the cylindrical portion of the piston matches the axial engine side surface of the turbine hub. Referring again to the Figure of Wack et al., Wack et al. disclose a cylindrical portion that contacts the turbine hub at an outer circumference 31. Further, Wack et al. disclose that the axial engine side surface of the turbine hub extends farther toward the engine than the axial end of the cylindrical portion creating a step like portion, which can be clearly seen on the lower left side of the piston 40 in the Figure.

Clearly, the structures of amended claim 1 and claim 8 are *not* disclosed or suggested by Wack et al. or any other prior art of record. It is well settled under U.S. patent law that for

a reference to anticipate a claim, the reference must disclose each element of the claim within the reference. Therefore, Applicants respectfully submit that claim 1, as now amended, and claim 8 are not anticipated by the prior art of record. Withdrawal of the rejections is respectfully requested.

Moreover, Applicants believe that dependent claims 1-7 are also allowable over the prior art of record in that they depend from independent claim 1, and therefore are allowable for the reasons stated above. Also, the dependent claims are further allowable because they include additional limitations. Thus, Applicants believe that since the prior art of record does not anticipate the independent claim 1, neither does the prior art anticipate the dependent claims.

Applicants respectfully request withdrawal of the rejections.

Rejections - 35 U.S.C. § 103

On pages 4 and 5 of the Office Action, claim 9 stands rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0175037 (Wack et al.) in view of U.S. Patent No. 6,267,213 (Yamaguchi et al.). In response, Applicants respectfully traverse the rejection and have included comments to support the traversal.

As mentioned claim 8 recites that the axial end of the cylindrical portion of the piston matches the axial engine side surface of the turbine hub. Referring to the Figure of Wack et al., Wack et al. disclose a cylindrical portion that contacts the turbine hub at an outer circumference 31. Further, Wack et al. disclose that the axial engine side surface of the turbine hub extends farther toward the engine than the axial end of the cylindrical portion creating a step like portion, which can be clearly seen on the lower left side of the piston 40 in the Figure. Moreover, claim 8 recites that the cylindrical portion extends toward the front

cover. In contrast, as seen in Figure 1 of Yamaguchi et al., Yamaguchi et al. disclose a cylindrical portion that extends *away* from the front cover. Thus, the axial end of the cylindrical portion cannot match the axial engine side surface of the turbine hub. Since neither reference discloses this feature, Applicants respectfully assert that the combination of references also does not disclose this feature.

Clearly this arrangement is *not* disclosed or suggested by the Wack et al. publication, Yamaguchi et al. patent, or any other prior art of record alone or in combination. It is well settled in U.S. patent law that the mere fact that the prior art can be modified does *not* make the modification obvious, unless the prior art *suggests* the desirability of the modification. Accordingly, the prior art of record lacks any suggestion or expectation of success for combining the patents to create the Applicants' unique arrangement of a torque transmitting device.

Moreover, Applicants believe that the dependent claim 9 is also allowable over the prior art of record in that it depends from independent claim 8, and therefore is allowable for the reasons stated above. Also, the dependent claim is further allowable because it includes additional limitations. Thus, Applicants believe that since the prior art of record does not disclose or suggest the invention as set forth in independent claim 8, the prior art of record also fails to disclose or suggest the invention as set forth in the dependent claim.

Therefore, Applicants respectfully request that this rejection be withdrawn in view of the above comments.

Prior Art Citation

In the Office Action, additional prior art references were made of record. Applicants believe that these references do not render the claimed invention obvious.

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Appl. No. 10/811,918
Amendment dated November 14, 2005
Reply to Office Action of August 25, 2005

In view of the foregoing amendment and comments, Applicants respectfully assert that claims 1-9 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,



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AMENDMENTS TO THE DRAWINGS:

The attached sheet of drawings includes a change to the Figure. This sheet, which includes the Figure, replaces the original sheet including the Figure.

Attachment: one (1) replacement sheet